

Notice of Allowability

Application No.

09/920,915

Examiner

Michael I Poe

Applicant(s)

FYFE, EDWARD ROBERT

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on October 5, 2004.
2. ☒ The allowed claim(s) is/are 26-38 (renumbered 1, 2, 13, 10-12, 3, 5, 6, 4 and 7-9, respectively).
3. ☒ The drawings filed on 02 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20041018.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

Authorization

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward Weller on October 18, 2004.

Amendments

2. The application has been amended as follows:

The title has been changed to:

-- A METHOD OF MANUFACTURING A STAY-IN-PLACE FORM --.

The specification has been amended as follows:

Page 5, line 7, "boron," has been deleted after "polyaramid,".

The abstract has been amended as follows:

Line 3, -- method of manufacturing a -- has been inserted before "stay-in-place",
"provides" has been deleted after "form", and -- that is used to provide -- has
been inserted after "form".

The claims have been amended as follows:

Claim 32 has been amended as follows:

Line 2, "boron," has been deleted after "carbon,".

Claim 35 has been amended as follows:

Line 2, --, -- has been inserted after "vinyl"; and

Lines 3 and 4, "water proofing membrane" has been deleted after "other" and -- resistive
materials -- has been inserted after "other".

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Claim 36 has been amended as follows:

Line 5, "coupled" has been deleted before "to the anchor" and -- by coupling the reinforcing bar -- has been inserted before "to the anchor".

Examiner's Statement(s) of Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

- (1) See the reasons set forth in paragraph #11 of the Office action mailed on March 26, 2004. With regard to these reasons previously set forth, the examiner wishes to clarify that the step of pouring is not necessary for patentability of the instant claims. Specifically, since there is no evidence or suggestion that any of the prior art forms are capable serving the claimed functions (e.g., elongating and subsequent shrinking; and protecting against alkalinity in the concrete), both of the methods of manufacturing (i.e., without a pouring step) and of using (i.e., with a pouring step) the applicant's claimed stay-in-place form would be allowable over the prior art of record. In this regard, see also the reasons set forth in the 5th paragraph of page 8 of the Applicant's response filed on October 5, 2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (571) 272-1207. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianne can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Poe/mip



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER